19 52 — **File No.** Cr. A. Kh. (West)

Legal **DEPARTMENT** 52

A **BRANCH**

Subject:— Criminal Appeals in the High Court of Bombay against the order of acquittal from West Khandesh Dist

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File No.

Std. Sett. Slip 24-B

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1950 File No. O. Indus. Disputes (A.T.) 50

Legal Department A. Branch

Subject:- Opinion under the Industrial Disputes (Appellate Tribunal) Act 1950

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O. Indus. Disputes/50
(A.T.)

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C O N T E N T S.

Legal Department File No. G. Industrial Disputes/ 50
1952. (A. T.)

Sr. No.	Compilation No.	Subject.	Pages.
	G.Industrial Disputes (A.T.) 1950.	Opinions under the Industrial Disputes (Appellate Tribunal) Act, 1950.	
1.	G.No. 16732 28-11-50.	Whether in view of Sec. 16, the decision of the Labour Appellate Tribunal in appeal against the award of the Industrial Court both have to be published by the Registrar.	1-3.

SRT/8.6.

Opinion of the R.L.A.

Publication of Labour Appellate Tribunal's decision.

Industrial Disputes (Appellate Tribunal) Act, 1950 - sec.16.
Bombay Industrial Relations Act, 1946 - sec. 74.

The question raised for the consideration of the R.L.A. is whether in view of section 16 of the Industrial Disputes (Appellate Tribunal) Act, 1950, the decision of the Labour Appellate Tribunal in appeal against the award of the Industrial Court will have to be published by the Registrar under section 74 of the Bombay Industrial Relations Act, 1946 or whether it must be published by Government or whether it can be left unpublished.

2. Sub-section (2) of section 74 of the Bombay Industrial Relations Act, 1946 provides for publication of the award of the Industrial Court in the Bombay Government Gazette (see also rule 70 of the Bombay Industrial Relations Rules, 1947). There is no provision in the Industrial Disputes (Appellate Tribunal) Act, 1950 for publication of the decision of the Appellate Tribunal ~~xxxx~~ in appeal against the award of the Industrial Court. Sub-section (1) of section 15 of the Industrial Disputes (Appellate Tribunal) Act provides that the decision of the Appellate Tribunal shall be enforceable on the expiry of thirty days from the date of its pronouncement. Section 16 provides that where on appeal from any award of decision of an industrial tribunal, the Appellate Tribunal modifies in any matter whatsoever that award or decision, the decision of the Appellate Tribunal shall, when it becomes enforceable under section 15, be deemed to be substituted for that award or decision of the Industrial Tribunal and shall have effect for all purposes in the same manner and in accordance with the same law under which the award or decision of the Industrial Tribunal was made as if the Industrial Tribunal made ~~xxxx~~ the award or decision as modified by the decision of the Appellate Tribunal. It is clear from this section that the decision of the Appellate Tribunal is to have effect for all purposes in the same manner and in accordance with the same law under which the award or decision of the Industrial Tribunal was made as if the Industrial Tribunal made the award or decision...

decision as modified by the decision of the Appellate Tribunal Since the decision of the Appellate Tribunal is treated as if it is decision or award of the Industrial Tribunal it would be necessary for the Registrar to publish the decision in the Gazette under section 74 of the Bombay Industrial Relations Act.

P.M.LAD.
27/11.
Remembrancer of Legal Affairs.

U.R. to L. & H.D.No. 16732 , dated the 28th November 1950.

SNT/8.6.